WPMB(Crl) 551 of 2001

Hon. P.C. Verma, J.
Hon. M.C. Jain, J.

This is a petition seeking a writ of mandamus commanding the State Government to transfer the investigation of the F.I.R. in question to Central Bureau of Investigation.

There is nothing on the petition to show that the petitioner has made such request to the State Government. It appears that the complaint of the petitioner was registered under sub section (3) of section 156, Cr. P.C. under the directions of the Magistrate in which final report had been submitted. The petitioner being dissatisfied with the filing of the final report, approached Allahabad High Court and on the direction of the Court the matter was investigated. Again final report has been submitted.

Grievance of the petitioner is that accused and the investigating agency are hands –in-glove and the case has not been properly investigated. Admittedly, the Magistrate has not passed any order till date on the final report submitted by the police. Therefore, we are not inclined to pass any order at this stage. Let this matter be examined by the Magistrate in the light of the material on record. The petitioner may present a protest petition before the Magistrate alongwith a copy of this petition wherein he has detailed his grievances. The Magistrate shall also consider the propriety of action u/s 182, I.P.C. against the petitioner. He shall afford an opportunity of being heard to the petitioner and shall pass a speaking order.

The petition is disposed of accordingly.

P.C. Verma, **M.C. Jain, J.**

Dt: 11.04.2001
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